

Notice of Allowability

Application No.

09/747,817

Examiner

Brian E Pellegrino

Applicant(s)

LUMAUIG, ROMMEL C.

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview summary of 1/4/05.
2. ☒ The allowed claim(s) is/are 1,3-8,10-16 and 23-27.
3. ☒ The drawings filed on 22 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/4/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Priscilla Morrison on 1/4/05.

The application has been amended as follows:

In claim 1, line 4, after "member" the phrase --formed of a polymeric material-- was added. In line 6, after "member" the phrase --formed of a polymeric material--was added. In line 9, "bonded to the outer surface of the inner tubular member" was deleted and replaced with -- directly bonded to an outer surface of the inner tubular member by a heat bond--has been added. In line 20, after "member" --, wherein the longitudinal dimension of at least one of the at least two secured portions is about 1 to about 4mm--has been added.

Claim 2 has been cancelled.

In claim 3, line 1, "claim 2" has been deleted and replaced with -- claim 1--.

In claim 13, line 2, after "first" the word --polymeric--has been added. In line 3, after "second" the word --polymeric--has been added.

In claim 24, line 22 after "member" --, wherein the longitudinal dimension of at least one of the at least two secured portions is about 1 to about 4mm--has been added.

In claim 26, line 27 after "member" --, wherein the longitudinal dimension of at least one of the at least two secured portions is about 1 to about 4mm—has been added.

Allowable Subject Matter

Claims 1,3-8,10-16,23-27 are allowed.

This application is in condition for allowance except for the presence of claims 17-22 to an invention non-elected without traverse. Accordingly, claims 17-22 have been cancelled.

The following is an examiner's statement of reasons for allowance: the balloon catheter comprising an elongated shaft with an inflation lumen extending therein, an inflatable balloon on the shaft distal section and an outer tubular member and an inner tubular member disposed within at least a portion of the outer tubular member with at least two secured portions of the inner surface of the outer tubular member being directly bonded to the outer surface of the inner tubular member, wherein the longitudinal dimension of the secured portions is about 1 to about 4mm was found to be novel. The prior art did disclose balloon catheters having at least two secured portions between an inner and outer tubular member forming inflation lumens, however the prior art failed to teach shorter directly bonded sections that are about 1 to about 4mm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E Pellegrino whose telephone number is 571-272-4756. The examiner can normally be reached on Monday-Thursday from 8am to 5:30pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached at 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TC 3700, AU 3738
Primary Examiner

Brian E. Pellegrino

A handwritten signature in black ink, reading "Brian E. Pellegrino". The signature is written in a cursive, flowing style with a large, stylized "P" and "L".